

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-16, 47, and 48 are presently pending. Claims 1, 2, 47, and 48 are amended herein.

Formal Request for an Interview

[0003] If the Examiner's reply to this communication is anything other than allowance of all pending claims and the only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0004] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0005] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 2, 47 and 48 herein. Applicant amends claims to clarify claimed features. These amendments are fully supported by the Application and are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 103

[0006] Claims 1, 2, 4, 5 and 47 are rejected under 35 U.S.C. § 103(a) purportedly for being unpatentable over what is alleged as Applicant's Admitted Prior Art (AAPA) and in view of US Patent Application Publication No. 2003/0041267 to Fee ("Fee"). Applicant respectfully traverses the rejections. Applicant amends claim 1 solely to incorporate subject matter formerly recited in claim 2. Furthermore, in light of the amendments presented herein to claim 47, Applicant submits that the rejection to claim 47 is moot.

Independent claim 1

[0007] Independent claim 1, as amended, incorporates a feature formerly in claim 2 and recites (in part):

means, based upon *a user identification (ID) for at least one of the first and second assemblies of the one or more files*, for determining access privileges of the first assembly of the one or more files to the second assembly of the one or more files.

[0008] Applicant respectfully submits that at least the above emphasized feature is not disclosed in the background of the application or and Fee, whether taken alone or in combination.

[0009] In rejecting claim 2, the Office indicated that "AAPA" teaches wherein the identity may be user ID (paragraph 6). Further, Fee teaches user based security policies,

such as in paragraphs 37, 55, 58 and 72.” (See Office Action 02/26/2009 at page 5). Applicant respectfully disagrees.

[0010] Paragraph 6 of the specification reads (with emphasis added):

Another example of a host is a server that hosts an object-oriented database, where the server has a security model that is user identity based. **In contrast, the security model for the CLR bases access rights to a protected resource on Code Access Security (CAS), not on user identity.** Managed assemblies registered with the host server are server objects from the host’s perspective. Access rights for these server objects can be defined and limited via security rules defined for individual user identities or roles. Host servers therefore must be given a way to allow or disallow access from one managed assembly to another based on the host server’s user identity based access rules. **It would be an advance in the art to provide a way that allows host servers to allow or disallow access from one managed assembly to another (cross-assembly calls) based on the host server’s user identity based access rules, where such cross-assembly calls meet both CAS permission demands as well as user ID permissions governing access from one server object to another.**

[0011] Paragraph 6 discusses that the current security model for the Common Language Runtime (“CLR”), or Code Access Security (“CAS”), is not based on user identity, thus the last sentence of paragraph 6, “[i]t would be an advance in the art to provide a way that allows host servers to **allow or disallow access from one managed assembly to another (cross-assembly calls) based on the host server’s user identity based access rules, where such cross-assembly calls meet both CAS permission demands as well as user ID permissions governing access from one server object to another.**” It is clear from the last sentence that the current CAS permission model does not involve user ID permission governing access, and a system combining both security models **“would be an advance in the art”** (with emphasis added).

[0012] Applicant further submits that Fee does not disclose, teach or suggest the emphasized feature “determining based upon user identification (ID) for at least one of the first and second assemblies of the one or more files.”

[0013] The Abstract of Fee states:

An evidence-based policy manager generates a permission grant set for a code assembly received from a resource location. The policy manager executes in a computer system (e.g., a Web client or server) in combination with the verification module and class loader of the run-time environment. The permission grant set generated for a code assembly is applied in the run-time call stack to help the system determine whether a given system operation by the code assembly is authorized. The policy manager may determine a subset of the permission grant set based on a subset of the received code assembly's evidence, in order to expedite processing of the code assembly. When the evidence subset does not yield the desired permission subset, the policy manager may then perform an evaluation of all evidence received. (Fee, Abstract).

[0014] According to paragraph [0009] of Fee,

“evidence associated with the code assembly is evaluated relative to a collection of code groups, which is defined in a security policy specification. Based on the evidence, the policy manager determines the membership of the code assembly in one or more code groups of the code group collection. Each code group is associated with a code-group permission set. The code-group permission sets for those code groups in which the code assembly is deemed a member are used to generate a permission grant set for the code assembly. The permission grant set is thereafter used in the run-time call stack to determine whether a given system operation by the code assembly is authorized by the security policy (i.e., whether the permission grant set satisfies the permission requirements associated with the system operation).” (Fee at paragraph [0009]).

[0015] Fee in paragraph [0037] further discusses that “a security policy specification may define multiple policy levels within a security framework for a given

enterprise, machine, user, application, etc. in which the evidence of a given code assembly is evaluated.” However, Fee does not disclose “determining access privileges of the first assembly of the one or more files to the second assembly of the one or more files” based on “user identification (ID) for at least one of the first and second assemblies of the one or more files” as recited in claim 1.

[0016] The Supreme Court in *KSR Int'l v. Teleflex Inc.* stated that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). *Desire* for a particular solution is not sufficient to demonstrate obviousness. The Office has not identified a reason that the recitation of the claim would be obvious to try one from another of a finite group of interchangeable elements. Initially, the office has failed to make a *prima facie* showing prior to the filing of the instant application that CAS permissions and user ID permissions were interchangeable in a CLR environment. Instead, the evidence shows that at the time of the application was filed cross-assembly calls meeting both CAS permission demands as well as user ID permissions was *desired*.

[0017] Thus, independent claim 1, as amended, is respectfully asserted patentable over Fee and the background of the instant application.

Independent claim 47

[0018] Independent claim 47 is amended to include the feature “determining, based upon user identification (ID) for at least one of the first and second assemblies of the one or more files, access privileges of the first assembly of the one or more files to the second

assembly of the one or more files.” Accordingly, independent claim 47, as amended, is asserted patentable over Fee for at least the reasons provided with reference to claim 1.

[0019] In addition, independent claim 47, as amended, recites (in part):
a JIT compiler module, based upon a first determination made at the second module that it is unknown whether the call from the first assembly to the second assembly should be permitted, to perform actions comprising:
inserting a runtime stub into the call; and
compiling the first assembly and the second assembly in the managed code into native code for execution as native code, wherein at runtime when the native code of the first assembly and the second assembly is executed at the server, the second module of the server is configured to make, based upon the user ID for each of the first assembly and the second assembly at the runtime, a second determination of whether the call by the first assembly to the second assembly shall be permitted at the runtime.

[0020] Applicant respectfully submits that the above emphasized features are not disclosed, taught or suggested in the background of the specification—alleged AAPA and Fee, whether taken alone or in combination. In particular, none of them teaches or suggests “inserting a runtime stub into the calls” and “compiling the first assembly and second assembly...wherein at runtime..., the second module of the server is configured to make, based upon the user ID for each of the first assembly and the second assembly at the runtime, a second determination of whether the call by the first assembly to the second assembly shall be permitted at the runtime” as recited in amended claim 47.

[0021] Accordingly, in addition to the reasons presented with reference to claim 1, independent claim 47 is asserted patentable over alleged AAPA and Fee for the above additional reasons.

Dependent claims 2-16 and 48

[0022] These claims ultimately depend upon one of the independent claims 1 and 47. As discussed above, each of claims 1 and 47 is patentable over Fee. It is axiomatic that any dependent claim which depends from a base claim that is patentable over a reference is also patentable over the reference. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claim Rejections under § 103 over other references

[0023] Applicant further submits that none of other cited references, e.g., US Patent No. 7,266,677 to Bromley et al., US Patent No. 4,430,699 to Segarra et al., US Patent Application Publication No. 2004/0059941 to Hardman et al., US Patent No. 6,076,167 to Borza, and US Patent No. 5,870,588 to Rompaey et al., remedies the deficiency of Fee. In fact, none of the other cited references discloses, teaches or suggests determining access privileges of the first assembly of the one or more files to the second assembly of the one or more files based on “user identification (ID) for at least one of the first and second assemblies of the one or more files” as recited in claims 1 and 47. Furthermore, none of the other cited references discloses, teaches or suggests the emphasized features in claim 47.

[0024] Thus, Applicant respectfully submits herein that the dependent claims, which are rejected based on the other cited references, are patentable over those

references for at least the reasons provided above with reference to independent claims 1 and 47.

Conclusion

[0025] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

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